

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MISIKANA TUUMALO,

Plaintiff,

v.

UNITED STATES PASSPORT  
AGENCY,

Defendant.

CASE NO. C24-0286JLR

ORDER

Before the court is Defendant the United States Department of State's (the "State Department")<sup>1</sup> motion for relief from a deadline. (Mot. (Dkt. # 5).) *Pro se* Plaintiff Misikana Tuumalo did not respond to the motion. (*See generally* Dkt.) The court has considered the motion, the relevant portions of the record, and the applicable law. Being fully advised, the court GRANTS the State Department's motion.

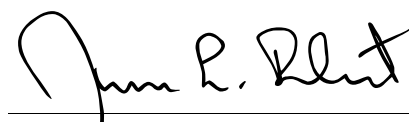
<sup>1</sup> The State Department was incorrectly named in this action as "U.S. Passport Agency." (*See* Mot. (Dkt. # 5) at 1-2; *see also* Compl. (Dkt. # 1-1) at 1.)

1 Ms. Tuumalo filed her complaint in state court on or about April 14, 2023. (*See*  
2 Not. of Removal (Dkt. # 1) ¶ 1; *see also* Compl. (Dkt. # 1-1).) The State Department  
3 received notice of the lawsuit on or about February 23, 2024 (Not. of Removal ¶ 4), and  
4 removed the matter to this court on March 1, 2024 (*see generally id.*). On March 12,  
5 2024, the court entered an order setting deadlines for initial disclosures, the joint status  
6 report, and a discovery plan. (*See generally* Sched. Order (Dkt. # 4).) The State  
7 Department filed the instant motion for relief from a deadline on March 14, 2024, arguing  
8 that Ms. Tuumalo has not yet accomplished service and that the court should extend the  
9 deadlines in the initial scheduling order until after Ms. Tuumalo properly serves the  
10 summons and complaint. (*See generally* Mot.; *see also* Not. of Removal ¶ 4 (stating that  
11 proper service under Federal Rule of Civil Procedure 4(i) has not been completed).)

12 The court concludes that good cause exists to modify the scheduling order. *See*  
13 Fed. R. Civ. P. 16(b)(4). The court agrees with the State Department that Ms. Tuumalo  
14 “should be required to comply with the service requirements of Rule 4, which she still  
15 has time to complete.” (Mot. at 2.)

16 Accordingly, the court GRANTS the State Department’s motion for relief from a  
17 deadline (Dkt. # 5) and VACATES its initial scheduling order (Dkt. # 4). The court will  
18 not issue another scheduling order until after Ms. Tuumalo perfects service and the  
19 pleadings have closed.

20 Dated this 25th day of March, 2024.

21 

22 JAMES L. ROBART  
United States District Judge